

**AMENDMENTS TO THE DRAWINGS**

Please replace the drawings with the Replacement Sheets in Appendix A, which merely provide better quality drawings of the drawings previously presented. No new matter is added by these Replacement Drawings.

**REMARKS**

As a preliminary matter, the Examiner objects to the drawings because: “some of the figures are shadow and numeral number is shadow”. Applicants have submitted Replacement Sheets in Appendix A to provide better quality drawings. As such, Applicants respectfully assert that the drawings are now in acceptable form. Therefore, Applicants respectfully request Examiner withdraw the objections to the drawings.

The Examiner has rejected Claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner has also rejected Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,303,089 to Ohno (“Ohno”) in view of U.S. Patent No. 7,298,562 to Sue et al. (“Sue”).

However, Claims 1-8 were canceled in the Preliminary Amendment filed on July 10, 2006. In fact, it is Claims 9-16 which are currently pending (as per the July 10, 2006 Preliminary Amendment). The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 9-16. An early Notice of Allowance is therefore requested.

**I. SUMMARY OF RELEVANT LAW**

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

## II. EXAMINER'S OFFICE ACTION IS DEFICIENT

As a preliminary matter, Applicants note that Examiner appears to have Examiner Claim 1-8. However, as stated above, Claims 1-8 were canceled in the Preliminary Amendment filed on July 10, 2006. As such, Examiner has failed to Examiner the proper claim set. Therefore, Applicants must respectfully assert that the current Office Action is deficient, and that Examiner must issue a new Office Action in which current pending Claims 9-18 are examined or issue a Notice of Allowance allowing Claims 9-18.

## III. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

On page 2 of the outstanding Office Action, the Examiner rejects Claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. These rejections are traversed and believed overcome in view of the following discussion.

However, as stated above, Claims 1-8 were canceled in the Preliminary Amendment filed on July 10, 2006. Applicants respectfully assert that Claims 9-16 are in acceptable form. In particular, Applicants assert that Claim 9 adequately explains how the “magnetic attraction force” and “magnetic repulsion force caused between the first magnetic means and the second magnetic means” effects lens body movement.

More specifically, Claim 9 states, in part:

**“said movable lens body being equipped with a first magnetic means as said drive means;**

**“said fixing body being equipped with a second magnetic means as said drive means which is placed so as to enable the movable lens body to move by one of magnetic attraction force and magnetic repulsion force caused between the first magnetic means and the second magnetic means....”** (emphasis added).

As is common knowledge, two magnets are either attracted to each other by a magnetic attraction force or are repelled from each other by a magnetic repulsion force. Thus, it is abundantly clear how either a magnetic attraction force or a magnetic repulsion force caused

between a first and second magnetic means can cause a movable lens body to move, when the movable lens body is equipped with the first magnetic means and a fixing body is equipped with the second magnetic means.

As such, Applicants respectfully assert that the language of Claim 9 is sufficiently clear. Accordingly, Applicants respectfully assert that Claims 9-16 are not indefinite. Therefore, Applicants respectfully request the Examiner withdraw the rejection of Claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite.

**IV. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 103(A) BASED ON OHNO IN VIEW OF SUE**

On page 3 of the outstanding Office Action, the Examiner rejects Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Ohno in view of Sue. These rejections are traversed and believed overcome in view of the following discussion.

As stated above, Claims 1-8 were canceled in the Preliminary Amendment filed on July 10, 2006. Rather, it is Claims 9-16 which are currently pending. Thus, Examiner's current rejection of canceled Claims 1-8 is incapable of providing a prima facie case of obviousness of pending Claims 9-16.

However, even if Examiner were to amend the current 103(a) rejection to relate to pending Claims 9-16, Examiner's rejection would still fail to provide a prima facie case of obviousness.

Sue was published on November 20, 2007. However, the current application has an effective filing date of January 5, 2005 (i.e., the filing date of the PCT from which the current application claims priority). As such, Sue fails to qualify as prior art under either 35 U.S.C. § 102(a) or 102(b).

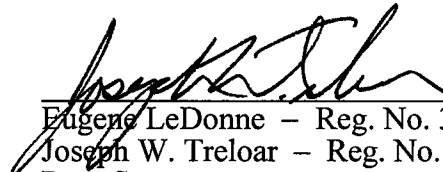
In addition, Sue has a 35 U.S.C. § 102(e) date as of its U.S. filing date of November 14, 2005. However, as stated above, the effective filing date of the current

Application is January 5, 2005. As such, the effective filing date of the current Application predates the 102(e) date of Sue. Thus, Sue also fails to qualify as prior art under 35 U.S.C. § 102(e).

Since Sue fails to qualify as prior art under any section of 35 U.S.C. § 102, Applicants respectfully assert that Examiner has failed to establish a prima facie case of obviousness of independent Claim 9, and corresponding Claims 10-16 because they are ultimately dependent from Claim 9. Therefore, Applicants respectfully assert that the Examiner remove the rejection of Claims 9-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,303,089 to Ohno in view of U.S. Patent No. 7,298,562 to Sue et al.

Based upon the above remarks, Applicants respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicants' attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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# Appendix A